

~~NORTHERN~~ UNITED STATES DISTRICT COURT
~~SOUTHERN~~ DISTRICT OF INDIANA
~~TERRE HAUTE DIVISION~~

JAMES K. Utley

Plaintiff,

vs.

CARL Tibbles

Defendant,

Case No.: 3:18-cv-226

(TO BE SUPPLIED BY THE CLERK)

(Enter above the full name of the
Defendant(s) in this action.)

*IN Their Individual
and also Their Official
Capacities*

*Civil Rights Action, With a
Demand for Jury Trial*

COMPLAINT

I. PARTIES

The names and addresses of each plaintiff and defendant are as follows:

A. Plaintiff:

Name JAMES K. Utley
Identification Number DOC #890980
Address W.V.C.F. P.O. Box 1111
CARLISLE, IN 47838-1111

B. Defendant(s)

Name CARL Tibbles
Title MAJOR
Address IND. STATE PRISON
1 PARK ROW ST, Michigan City, IN 46360
Name HARRISON Yancey
Title CAPTAIN
Address IND STATE PRISON
1 PARK ROW ST, Michigan City 46360

Parties:

Additional Defendants:

Name: ANTHONY WATSON

Title: LT

Address: IND STATE PRISON

1. PARK ROW ST, MICHIGAN CITY 46360

Name: RYNE ROBINSON

Title: Sgt.

Address: IND STATE PRISON

1. PARK ROW ST, MICHIGAN CITY 46360

Name: ARRON JONAS,

Title: Sgt.

Address: IND STATE PRISON

1. PARK ROW ST, MICHIGAN CITY 46360

Name: DYKSTRA

Title: LT.

Address: IND STATE PRISON

1 PARK ROW ST, MICHIGAN CITY 46360

Name Curtis Gillespie

Title L.T.

Address IND. State Prison

1. Park Row St, Michigan City 46360

(Identify additional plaintiffs and defendants on a separate sheet of paper using this same outline)

II. STATEMENT OF JURISDICTION AND PREVIOUS LAWSUITS:

Jurisdiction over this action exists in the United States District Court for the ^{Northern}~~Southern~~ District of Indiana because I was at Ind State Prison at the time of the assault by the defendants.

If the same facts alleged or claims made in this suit have been previously presented to any other state or federal court in an earlier suit, for each such earlier suit identify the parties, the Court in which it was filed, the docket number assigned to the suit, the status of such earlier suit, (for example: pending, dismissed, set for trial, on appeal, etc.). and the nature of the disposition if the earlier case is closed.

No previously suit of any kind.

IV. CAUSE OF ACTION

State which of your constitutional or federal rights, privileges or immunities have been violated and summarize in one or two sentences what the defendant(s) did to violate your rights in that regard. If you are claiming that more than one of your constitutional rights were violated, use a separate paragraph (ground) for each right, privilege or immunity which was violated. If you have more than three (3) grounds, identify them in a separate attached piece of paper.

Ground 1: A clear violation of the 8th Eighth Amendment: By all defendants, with the assault and Battery on plaintiff Utley, (see attached)

Ground 2: A clear physical assault against the plaintiff Utley: That is against state Law, by all defendants.

Ground 3: A clear Excessive use of force, by all defendants: That against DOC prison policy:

(Identify additional grounds on a separate sheet of paper)

V. STATEMENT OF FACTS

State here the FACTS of your case. You should outline both the facts on which your suit is based and the particular role of each defendant in those circumstances.

the facts are that because what the defendants did to James Utley is a violation of the 8th Amendment to be free of cruel and unusual punishment. By the assault that was meant as pay Back for what had happend. And with malicious intent to cause James Utley injuries that sent him to the St Anthony Hospital. By all defendants!

1. of 2.

The facts are

That on March 31, 2016, there was an incident at the laundry shop and from that I plaintiff James Utley was put in a S.M.C. cell on G-unit and stripped of all my clothing. Then as seen on Video surveillance of the S.M.C. cell one DEF Harrison Yancey comes to the door. As well as all the other defendants. We can see DEF Harrison open the door and grabs James Utley by the neck and head and drags him out unrestrained no cuffs on. And throw me to the floor so that all the defendants Harrison Yancey: Anthony Watson: Ryne Robinson: Arron Jones: Curtes Gillespie: Carl Tibbes: Dybtha: Could start picking and hitting James Utley, all about the head, face, body, causing serious injury. I was then picked up put in the shower and was assaulted some more by DEF Carl Tibbes, for after he monkey stomped the shit out of me. He then used his elbow to strike James Utley in the face several times causing severe swelling to my face. I was then thrown back in to the cell holding my face I was then taken to see a medical staff that on seeing how severe and serious the

C.

2.0621The facts are

injuries I James Utley had said I had to go out to St. Anthony hospital to try and fix all the lacerations I had in my head, of which it took 21 ~~staples~~ staples in the top of James Utley's head to close it up.

The evidence I am using to support the facts herein, are Photos taken of James Utley face to show the damage that was done by DEF'S. The security videos of the S.M.C. cell one, and H-unit hallway, and the report made by Mr. Charles Whelan, Lead Investigator. He made 2 of them a 4 page and a 9 page that gives all the names of the defendants as well as the admission of DEF Carl Zibbles, that he monkey stomped the shit out of James Utley, And that he did strike the face of James Utley with an elbow. The admissions was made by him and heard by more than one person. (see all attached paper work.)

see attached 1 of 2 By Plaintiff and 1 of 4 By a
Lead Investigator Charles Whelan and 1 of 9 By the same
one Charles Whelan. and 3 Black & White photos of the
face of James Utley, all are fact and true!

VI. RELIEF

State exactly what relief or action you are requesting through this lawsuit.

Major Carl Tibbes \$80,000 and \$95,000 punitive DAM
Captain Harrison Yancey \$80,000 and \$95,000 PUNITIVE DAM
LT. Anthony Watson \$80,000 and \$95,000 punitive DAM
LT. Dybstra \$80,000 and \$95,000 punitive DAM
LT. Curtis Gillespie \$80,000 and \$95,000 punitive DAM
Sgt, Ryne Robinson \$80,000 and \$95,000 PUNITIVE DAM
Sgt, Aaron Jonas \$80,000 and \$95,000 PUNITIVE DAM
\$560,000 \$1065,000

AFFIRMATION OF PLAINTIFF

I, the plaintiff in the aforementioned cause, do affirm that I have read all of the statements contained in this complaint and that I believe them to be true and correct to the best of my personal knowledge and belief.

Signed this March 3 day of Wed 14th, 2018.

James Utley 890980
Plaintiff
JAMES UTLEY